

REMARKS

The present communication responds to the non-final Office action of March 23, 2006 in which the Examiner rejected claims 1, 2, 4, 5 and 10-19, and objected to claims 3 and 6-9.

Claims 1, 2, 4, 5 and 10-19 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication 2003/0004467 (Musick). Claims 3 and 6-9 were objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner's withdrawal of the obviousness-type double patenting rejection of claims 1-19 is appreciated.

Claims 1-34 are pending in the application. Claims 1, 3, 6-9 and 18-19 have been amended. Claim 19 has been amended to correct an inadvertent clerical error, not for reasons related to patentability. New claims 20-34 have been added. Support for the new and amended claims can be found in general throughout the specification and in particular, for example, at page 9, lines 15-20, page 10 lines 1-7, page 8, lines 3-5, and in Figs. 1-3 and 6-13.

Allowable Subject Matter

Claims 3 and 6-9 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3 and 6-9 have been rewritten, and are in condition for allowance.

Rejection under 35 U.S.C. § 102

Claims 1, 2, 4, 5 and 10-19 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication 2003/0004467 (Musick).

Examiner has asserted in paragraph 2 of the Office Action that Musick "shows an administrative apparatus with dosage display having a casing, 2, driven device, 8, dosing means 3 and drive device 5." To the contrary, Musick actually discloses a dual-chambered cartridge 2,

a septum 8, a plunger 3, and a plunger shaft 5. However, in the interest of advancing prosecution, independent claims 1 and 18 have been amended.

Musick does not disclose “a front casing section and a rear casing section,” as recited in amended independent claims 1 and 18. In another departure from the present application, Musick discloses “[a] knurled screw knob containing a dose indicating window [is] attached to the proximal end of the position selector through an ultrasonic weld joint.” *See* page 3, paragraph [0025].

For at least the preceding reasons, the rejection of claims 1 and 18 under § 102(e) over Musick should be withdrawn.

Rejections of the Dependent Claims

Because claims 2, 4, 5, 10-17 and 19 depend directly or indirectly from the amended independent claims, and incorporate all the limitations of the corresponding independent claims, they are allowable for the same reasons and, further, in view of their additional recitations.

New Dependent Claims

Because new claims 20-34 depend directly or indirectly from the amended independent claims, and incorporate all the limitations of the corresponding independent claims, they are allowable for the same reasons and, further, in view of their additional recitations.

Conclusion

This paper generates additional claim fees, and a check is enclosed. The Commissioner is also hereby authorized to charge any deficiencies and credit any overpayments associated with this communication to Deposit Account No. 04-1420.

The application now stands in allowable form, and reconsideration and allowance are requested.

Respectfully submitted,

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